

Exhibit 5

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May 17, 2006

VIA E-MAIL

Donald J. Savery, Esq.
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Re: In re Biopure Securities Litigation, C.A. No. 03-12628 (NG)

Dear Don:

I write again with respect to the deposition availability of the Plaintiffs.

We have agreed that Plaintiff Ronald Erickson will be deposed in Boston at your offices on May 31, 2006, beginning at 1 p.m. In your May 15th letter forwarding various deposition notices, you asked that we be prepared to produce him again the next day in the event that the deposition has not concluded. While I think it very unlikely that the deposition will go a full seven hours, we are prepared to go late on the 31st, if necessary, so as to conclude the deposition in one day.

With regards to Plaintiff John Esposito, Jr., please be advised that Dr. Esposito, who maintains a busy dental practice, cannot be available for his deposition on June 7, 2006, the date which we originally proposed. Accordingly, we propose to produce him instead on May 24, 2006, beginning at 10:00 a.m. Our position remains that this deposition will be held in New York City, where Dr. Esposito resides.

As for Plaintiff Stuart Gottlieb, he has informed us that he is available for deposition on June 7, 2006, beginning at 10:00 a.m. Dr. Gottlieb has a demanding gastroenterology practice, and our position is that this deposition will be held in Miami, where he resides.

Your letter of May 15th forwarded to us as well a deposition notice for Emily A. Bittman. Please be advised that we have not proposed Ms. Bittman as a representative plaintiff in our class certification papers. As you know, at Defendants' request, depositions in this case are currently

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limited to class certification. Accordingly, we will not produce Ms. Bittman for the noticed deposition.

Please contact me directly if you wish to discuss these issues further.

Sincerely,

/s/ Edward F. Haber

Edward F. Haber

cc: Howard Longman, Esq.
Christopher F. Robertson, Esq.
Cathy A. Fleming, Esq.
Edward P. Leibensperger, Esq.
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